

Chapter 609

(House Bill 1028)

AN ACT concerning

Financial Institutions – Automated Teller Machines – Video Cameras

FOR the purpose of requiring each operator of a certain automated teller machine to install and maintain a video camera that views and records ~~certain activity~~ a certain image of a user of the automated teller machine; requiring the operator to preserve the recordings made by the video camera for at least a certain number of days; ~~providing that a video camera need not record banking transactions made at an automated teller machine;~~ providing that an operator of a certain automated teller machine is not in violation of certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not apply to certain automated teller machines under certain circumstances; providing that this Act applies only to automated teller machines first installed on or after a certain date; and generally relating to automated teller machines.

BY repealing and reenacting, without amendments,
Article – Financial Institutions
Section 1–401(a) and (j)
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

BY adding to
Article – Financial Institutions
Section 1–402.1
Annotated Code of Maryland
(2003 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Financial Institutions

1–401.

(a) In this subtitle the following words have the meanings indicated.

(j) “Operator” means a financial institution or other person that operates an automated teller machine.

1-402.1.

(A) THIS SECTION DOES NOT APPLY TO AN AUTOMATED TELLER MACHINE THAT IS:

(1) LOCATED INSIDE A BUILDING UNLESS:

(i) THE BUILDING IS A FREESTANDING INSTALLATION THAT EXISTS SOLELY TO PROVIDE AN ENCLOSURE FOR THE AUTOMATED TELLER MACHINE; OR

(ii) A USER OF THE AUTOMATED TELLER MACHINE IS ABLE TO CONDUCT A TRANSACTION FROM OUTSIDE THE BUILDING; OR

(2) OPERATED BY A FINANCIAL INSTITUTION, UNLESS THE AUTOMATED TELLER MACHINE IS LOCATED AT OR WITHIN OR ATTACHED TO PREMISES OWNED BY OR UNDER THE CONTROL OF THE FINANCIAL INSTITUTION.

(B) EACH OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO THIS SECTION SHALL:

(1) INSTALL AND MAINTAIN A VIDEO CAMERA THAT VIEWS AND RECORDS ~~ALL ACTIVITY~~ AN IMAGE OF A USER AS THE USER PERFORMS A TRANSACTION AT THE AUTOMATED TELLER MACHINE; AND

(2) PRESERVE THE RECORDINGS MADE BY THE VIDEO CAMERA FOR AT LEAST 45 CALENDAR DAYS.

~~(C) A VIDEO CAMERA REQUIRED UNDER SUBSECTION (B) OF THIS SECTION NEED NOT RECORD BANKING TRANSACTIONS MADE AT AN AUTOMATED TELLER MACHINE.~~

~~(D)~~ AN OPERATOR OF AN AUTOMATED TELLER MACHINE SUBJECT TO THIS SECTION IS NOT IN VIOLATION OF THIS SECTION IF A VIDEO CAMERA REQUIRED UNDER SUBSECTION (B) OF THIS SECTION MALFUNCTIONS DUE TO A REASON NOT WITHIN THE OPERATOR'S CONTROL.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act applies only to automated teller machines first installed on or after October 1, 2011.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 19, 2011.